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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,204	08/05/2003	Kim Marie Clark	317270.4/A02201US	6832
7590 06/08/2005			EXAMINER	
Shawn D. Sentilles Wyatt, Tarrant & Combs, LLP Suite 800 1715 Aaron Brenner Drive Memphis, TN 38120-4367			AHMAD, NASSER	
			ART UNIT	PAPER NUMBER
			1772	
DATE MAILED: 06/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/634,204	CLARK, KIM MARIE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nasser Ahmad	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 11-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/5/03</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1-10) in the reply filed on February 28, 2005 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ratzlaff (5099889).

Ratzlaff relates to a cord cover device (1) for use in enveloping a linear object such as a pipe. The device comprises a lengthwise strip of fabric (3) having first and second widthwise edges, first and second lengthwise edges, an interior side and an exterior side. The device further comprises a strip of pressure sensitive adhesive (PSA) (5) tape adhered to the interior side substantially along the first lengthwise edge and covered by a liner (7). See also abstract and col. 3, line 65 to col. 4, line 9).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padilla (5869159) in view of Petock (3884495).

Padilla relates to a cord cover device (50) for use in enveloping a linear object such as a pipe (10). The device comprises a lengthwise strip of cover sheet (50) having first and second lengthwise edges, first and second widthwise edges, an interior side and an exterior side. The cover sheet is adhered with a PSA tape (44) on its interior side substantially along its first lengthwise edge and covered with a release liner (52). The cover sheet is made of thin polymeric material such as polyvinyl chloride (col. 5, lines 52-58). However, Padilla fails to teach that the covering is fabric. Petock discloses a walker pipe (14) covered by resilient material such as vinyl type material fabric, etc. (col. 3, lines 3-11). Petock shows that fabric and vinyl polymeric strip are equivalent structure known in the art. Therefore, because these two fabric and vinyl sheet were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the fabric for the vinyl sheet.

6. Claims 1-3 and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratzlaff in view of Simmons (5964252).

Ratzlaff, as discussed above, fails to teach that the adhesive is reusable. Simmons relates to an adhesive closure system for a pipe covering (10) comprising a PSA tape (40) that extend along an edge of the covering (see figure-1) and covered by a release liner (30). The presence of holes (50) along the length of the release liner allows that

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adhesive to bond temporarily (abstract) and provides for discontinuous adhesive surface. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Simmons' teaching of using discontinuous adhesive tape with reusability in the invention of Ratzlaff with the motivation to facilitate adjustability of the closure system.

7. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ratzlaff in view of Tomberlin (4939778).

Ratzlaff, as discussed above, fails to teach that the cover sheet has hemmed elastic strip along its two lengthwise edges. Tomberlin disclose a cord covering (10) provided with hemmed edges containing elastic strings (40) therein and along its widthwise edges to provide for gathered configuration (figure-2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Ratzlaff with hemmed edges with elastic string along its lengthwise edges, instead of being along its widthwise edges as taught by Tomberlin, for providing gathered configuration, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

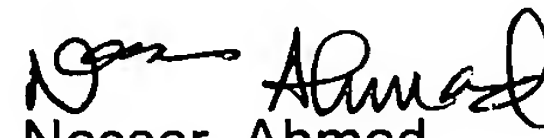
### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
June 6, 2005.